

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

SAMUEL D. EDWARDS,

Plaintiff,

v.

PEPSICO, INC., a North Carolina corporation; PEPSI-COLA COMPANY, a North Carolina corporation; CONOPCO, INC. d/b/a THOMAS J. LIPTON COMPANY, a Virginia corporation; WM. W. MEYER & SONS, INC., an Illinois corporation; B.W. SINCLAIR, INC., a Texas corporation; LOCKWOOD GREEN ENGINEERS, INC., a foreign corporation; and JANE DOE, a foreign resident,

Defendants.

Case No. CIV-04-096-KEW

The Honorable Kimberly West

**CAPRON & EDWARDS' STATUS REPORT**

Pursuant to the Court's Order of June 16, 2009, counsel submits the following:

1. The parties have been unable to reach an agreement.
2. Holden & Carr is currently retaining an amount in excess of \$300,000.00 claiming that that Steve Capron's time was intentionally underreported.
3. Holden & Carr's contemporaneous time sheets reflect 1,143.55 total hours including 753.4 attorney hours and 390.2 paralegal hours. (Exhibit 1)
4. \$189,700.00 is the total fee under the fee agreement utilizing the totals from the contemporaneous time sheets provided by Holden & Carr PC. The specific basis for any claim in excess of that amount has not been disclosed.

5. Interest on the funds held in trust by Capron & Edwards equals \$81,093.21.  
Holden & Carr PC has not disclosed the exact amount of interest earned on the funds for the period after November 3, 2008 rendering an apportionment of the interest incapable of calculation.
6. It appears an evidentiary hearing will be required to determine the parties' interest in the funds currently held by Holden & Carr.

ELDRIDGE COOPER  
STEICHEN & LEACH P.L.L.C.

By s/Thomas E. Steichen  
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**CERTIFICATE OF MAILING**

I hereby certify that on the 13<sup>th</sup> day of July, 2009, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and a transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/Thomas E. Steichen